

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAWANA KESHUN JACKSON,

Petitioner,

v.

Case No. 18-cv-3137 (JNE/ECW)
ORDER

WARDEN NANETTE BARNES,

Respondent.

In a Report and Recommendation (“R&R”) dated January 14, 2019, the Honorable Elizabeth Cowan Wright, United States Magistrate Judge, recommended that the Court transfer this matter to the Eleventh Circuit Court of Appeals to determine whether Petitioner Jackson is entitled to a certificate of authorization to file a successive motion pursuant to 28 U.S.C. § 2255. ECF No. 5. No party filed objections. The Court conducted a de novo review of the record. *See* 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2.

For the following reasons, the Court adopts in part and rejects in part the R&R. First, the Magistrate Judge properly concluded that the Court lacks jurisdiction to review Jackson’s habeas claim under 28 U.S.C. § 2241. *See* 28 U.S.C. § 2255(e). Second, the Court also agrees that § 2255 provides the exclusive remedy by which Jackson may raise her claim. Third, as the Magistrate Judge reiterated, Jackson may file a successive motion under § 2255 in the district of conviction only after obtaining authorization to do so from the appropriate United States Court of Appeals. 28 U.S.C. § 2255(h).

The Court, however, disagrees that it is “in the interest of justice” to transfer this matter to the Eleventh Circuit Court of Appeals pursuant to 28 U.S.C. § 1631. It is true

that § 2255(e) requires a prisoner to collaterally challenge her sentence within strict time limits. But after reviewing Jackson's claim, the Court concludes that dismissal will not preclude Jackson from seeking authorization from the Eleventh Circuit on her own. Accordingly, it is not in the interest of justice to transfer this matter. Therefore, IT IS ORDERED THAT:

1. The matter be DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 21, 2019

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge